

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LORD ANING,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

22-cv-6019 (JSR) (BCM)

21-cr-88 (JSR)

ORDER

On February 28, 2023, Magistrate Judge Barbara Moses issued a Report and Recommendation in the above-captioned matter recommending denial of the petition filed by Lord Aning, pro se, under 28 U.S.C. § 2255.

Petitioner has failed to file any objection to the Report and Recommendation after receiving notice that he was required to file any objections and that a failure to do so would result in a waiver of his right to further review. For that reason alone, petitioner has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989). Nevertheless, the Court has reviewed the Report and Recommendation de novo and finds itself in complete agreement with its analysis.

Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, denies the petition with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253.

Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3); Neitzke v. Williams, 490 U.S. 319, 325 (1989). The Clerk is respectfully directed to close document 132 on the docket of 21-cr-88 and to enter judgment in case 22-cv-6019.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
April 15, 2024